

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Meir Rosenberg et al.

Application No.: 10/656,600

Filed: September 5, 2003

Entitled: IMPLANTABLE PUMP WITH
ADJUSTABLE FLOW RATE

Docket No.: 22719-44

Group Art Unit: 3763

Examiner: Christopher Koharski

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being electronically filed via EFS-Web to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

August 28, 2006

Date of Signature and Mail Deposit

By:



Lisa Adams, Reg. No: 44,238
Attorney for Applicant(s)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This communication is in response to the Office Action dated August 9, 2006.

The Examiner requires restriction of the above-referenced application to one of the following inventions:

- I. Claims 1-10, drawn to a valve for use in an implantable pump;
- II. Claims 11-23, drawn to an implantable drug delivery device; and
- III. Claims 24-32, drawn to controlling the flow rate of a fluid.

Applicants elect the Group II claims (claims 11-23). Accordingly, claims 1-10 and 24-32 are withdrawn from consideration.

The Examiner further requires election of one of the following "patentably distinct" species:

- A. Figures 1A and 1B; and
- B. Figure 2.

The Examiner submits that no claims are generic.

Applicants elect Species A, Figures 1A and 1B. Claims 11-19 and 23 are generic to all species. Claims 20-22 read on the elected species. Accordingly, no addition claims are withdrawn from consideration.

In sum, claims 11-23 are subject to examination, and remaining claims 1-10 and 24-32 are withdrawn from consideration. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,



Lisa Adams, Reg. No. 44,238
Attorney for Applicant(s)

Date: August 28, 2006

Nutter McClennen & Fish LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210
Tel: (617)439-2550
Fax: (617)310-9550